



Local Government Act (Northern Ireland) 1972

1972 CHAPTER 9

PART IV

ALTERATIONS OF DISTRICTS

[^{F1}50 Local government boundaries

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- [^{F2}(1) The Department shall appoint a Local Government Boundaries Commissioner—
- (a) in the year 2008; and
 - (b) thereafter, during the period not less than 8 or more than 12 years from the date of the submission under subsection (6) of the final report of the last previous Commissioner appointed under this subsection.
- (2) The function of a Commissioner appointed under subsection (1)(a) shall be to make recommendations regarding—
- (a) the boundaries and names of the 11 districts mentioned in section 1 of the Local Government (Boundaries) Act (Northern Ireland) 2008; and
 - (b) the number, boundaries and names of the wards into which each district is to be divided.]
- (3) The function of a Commissioner appointed under subsection (1)(b) shall be to review, and make recommendations regarding —
- (a) the number, boundaries and names of local government districts; and
 - (b) the number, boundaries and names of the wards into which each district is divided.
- (4) Where, at a time when no Commissioner stands appointed under subsection (1)—
- (a) proposals are made to the Department by a council—
 - (i) for altering the boundaries of the district of that council, or

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- (ii) for altering the number of wards into which that district is divided or the boundaries of any of those wards;
 - (b) proposals are made to the Department by more than one council for the union of the districts of those councils; or
 - (c) the Department has itself prepared any such proposal as is mentioned in paragraph (a) or (b),
- the Department may appoint a Local Government Boundaries Commissioner to consider the proposals and make recommendations.
- (5) Part I of Schedule 4 shall have effect with respect to a Local Government Boundaries Commissioner, and such a Commissioner shall—
 - (a) regulate his procedure in accordance with Part II of that Schedule; and
 - (b) make his recommendations in accordance with Part III of that Schedule.
 - (6) A Local Government Boundaries Commissioner appointed under subsection (1) or (4) shall submit a final report to the Department within such period as the Department may direct.
 - (7) As soon as may be after a Commissioner appointed under subsection (1)(a) submits his final report, the Department shall lay the report before the Assembly together with the draft of an order to give effect, whether with or without modifications, to the recommendations contained in the report.
 - (8) If the report of a Commissioner appointed under subsection (1)(b) or (4) recommends any alteration in the number, boundaries or names of any districts or wards, the Department shall, as soon as may be after receiving the report, lay the report before the Assembly together with the draft of an order to give effect, whether with or without modifications, to the recommendations contained in the report.
 - (9) Where a draft order to be laid before the Assembly under subsection (7) or (8) proposes to give effect to recommendations of a Commissioner with modifications, the Department shall lay before the Assembly, together with the draft order, a statement of the reasons for the modifications.
 - (10) On the approval of the draft order by a resolution of the Assembly, the Department shall make an order in terms of the draft as so approved.]

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| <p>F1 S. 50 substituted (17.5.2006) by Local Government (Boundaries) (Northern Ireland) Order 2006 (S.I. 2006/1253 (N.I. 8)), arts. 1(2), 4(1)</p> <p>F2 S. 50(1)(2) substituted (23.5.2008) by Local Government (Boundaries) Act (Northern Ireland) 2008 (c. 7), ss. 2(2), 5(1)</p> |
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51 Change of name of district.

- (1) The Ministry may, by order made on the application of a council, change the name of the district of the council.
- (2) Every change of name made under this section shall be published by the council in such manner as the Ministry directs.

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52 Supplemental provisions as to alterations of boundaries or names.

- (1) Where the [^{F3}Department] makes an order under section 50, the Ministry may make a supplemental order (in this section referred to as “the order”) which may contain such incidental, consequential, transitional or supplemental provisions as appear to be necessary or expedient for the general or any particular purposes of the order under section 50 or in consequence of any of the provisions thereof or for giving full effect thereto, and without prejudice to the generality of the foregoing provisions of this subsection may in particular include provision—
 - (a) for modifying or repealing any transferred provision (including such a provision contained in or made under a local or personal Act or an Act confirming a provisional order);
 - (b) for the transfer, application, defrayal, apportionment or adjustment (by agreement or otherwise) of assets, liabilities, income and costs and for the continuance of, or of functions of, any council or public body, and the continuance in office of any councillor or officer (including the continuance in office of any member or officer of a dissolved council, as if the council had not been dissolved), for the purposes of such transfer, application, defrayal, apportionment or adjustment or for the purposes of the making up and audit of accounts and any proceedings in connection therewith or consequent thereupon;
 - (c) for the transfer of any writ, process, record or document relating to or to be executed in any part of a district affected by the order under section 50, and for determining questions arising from such transfer;
 - (d) for the determination of questions arising under the order.
- (2) The order may make provision for the transfer of existing officers affected by the order under section 50 and shall contain provisions for the protection of the interests of any such existing officers.
- (3) The order may make provision for the payment, on such terms and subject to such conditions as may be specified in the order, of compensation to or in respect of any officer of a council who suffers loss of employment or loss or diminution of emoluments (including superannuation rights) which is attributable to the order under section 50, and may in particular—
 - (a) include provision as to the funds out of which and the councils by which compensation is to be defrayed;
 - (b) include provision as to the manner in which and the time within which and the person to whom any claim for compensation is to be made;
 - (c) apply for the purposes of the order any transferred provision relating to the payment of compensation subject to the modifications (if any) specified in the order.
- (4) The order may make provision for the [^{F4}Department] to appoint the day or days on which the order, or any provision of it, is to come into operation.
- (5) Stamp duty shall not be chargeable on the order or on any instrument executed for the purposes of giving effect to the order.
- (6) A certificate issued by the Ministry that any property has been transferred by virtue of the order shall, until the contrary is shown, be accepted as evidence of that fact.
- (7) A change of name of a council shall not affect any rights or obligations of the council or any other person, or render defective any legal proceedings, and—

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- (a) any legal proceedings may be commenced or continued as if there had been no change of name;
 - (b) every reference in any transferred provision, record, document or map to the former name of the council shall be construed as a reference to the new name.
- (8) Where the name of a district which is a borough is changed, the charter of the borough shall have effect as if the new name were substituted for the old.
- (9) Where the order includes provision for modifying or repealing a transferred provision (except a provision contained in or made under a local or personal Act or an Act confirming a provisional order) it shall be subject to affirmative resolution.

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| <p>F3 Word in s. 52(1) substituted (17.5.2006) by Local Government (Boundaries) (Northern Ireland) Order 2006 (S.I. 2006/1253 (N.I. 8)), arts. 1(2), 5(2)(a)</p> <p>F4 Word in s. 52(4) substituted (17.5.2006) by Local Government (Boundaries) (Northern Ireland) Order 2006 (S.I. 2006/1253 (N.I. 8)), arts. 1(2), 5(2)(a)</p> |
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